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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,884	06/29/2001	Jason Benfield	AUS920010381US1	7240

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EXAMINER

FAROOQ, MOHAMMAD O

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,884

Applicant(s)

BENFIELD ET AL.

Examiner

Mohammad O. Farooq

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5 and 7-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 7-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,3,5 and 7-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Malik et al. U.S. Pat. No. 5,832,503.

2. As to claim 1, Malik et al. teach method comprising:

configuring a first set of distributed discovery processes in accordance with a first set of configuration parameters (items 20 and 22; fig. 1; col. 2, lines 13 – 49);

initiating the first set of distributed discovery processes for discovering physical resources within the distributed data processing system (items 24 and 26; fig.1; col. 2, lines 13-49);

analyzing status information that is generated by the first set of distributed discovery processes (item 28; fig. 1; col. 9, lines 25-35);

modifying a second set of configuration parameters in response to the analyzed status information (item 30; fig. 1; col. 7, lines 7-58); and

initiating a second set of distributed discovery processes for discovering physical resources within the distributed data processing system in accordance with the modified second set of configuration parameters (items 32 and 34; fig. 1; col. 7, lines 7-58).

3. As to claim 3, Malik et al. teach apparatus comprising:

means for configuring a first set of distributed discovery processes in accordance with a first set of configuration parameters (items 20 and 22; fig. 1; col. 2, lines 13 – 49);

means for initiating the first set of distributed discovery processes for discovering physical resources within the distributed data processing system (items 24 and 26; fig.1; col. 2, lines 13-49);

means for analyzing status information that is generated by the first set of distributed discovery processes (item 28; fig. 1; col. 9, lines 25-35);

means for modifying a second set of configuration parameters in response to the analyzed status information (item 30; fig. 1; col. 7, lines 7-58); and

means for initiating a second set of distributed discovery processes for discovering physical resources within the distributed data processing system in accordance with the modified second set of configuration parameters (items 32 and 34; fig. 1; col. 7, lines 7-58).

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4. As to claim 5, Malik et al. teach computer program product comprising:

instructions for configuring a first set of distributed discovery processes in accordance with a first set of configuration parameters (items 20 and 22; fig. 1; col. 2, lines 13 – 49);

instructions for initiating the first set of distributed discovery processes for discovering physical resources within the distributed data processing system (items 24 and 26; fig. 1; col. 2, lines 13-49);

instructions for analyzing status information that is generated by the first set of distributed discovery processes (item 28; fig. 1; col. 9, lines 25-35);

instructions for modifying a second set of configuration parameters in response to the analyzed status information (item 30; fig. 1; col. 7, lines 7-58); and

instructions for initiating a second set of distributed discovery processes for discovering physical resources within the distributed data processing system in accordance with the modified second set of configuration parameters (items 32 and 34; fig. 1; col. 7, lines 7-58).

5. As to claim 7, Malik et al. teach method further comprising:

representing discovered physical resources within a set of scopes (i.e. template), wherein a scope comprises a logical organization of networks (col. 3, lines 13-25; col. 3, line 43 – col. 4, line 60); and

associating each scope with a management customer (inherent; col. 3, lines 13-25; col. 3, line 43 – col. 4, line 60).

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6. As to claim 8, Malik et al. teach method wherein the first set of distributed discovery processes is initiated by a service provider that manages networks on behalf of plurality of management customers (col. 7, line 58 – col. 8, line 59).

7. As to claim 9, Malik et al. teach method wherein a second set of distributed discovery processes is initiated by a management customer (i.e. user; col. 1, lines 16-35).

8. As to claim 10, Malik et al. teach method wherein each discovery process uniquely executes in conjunction with an Object Request Broker (ORB) (i.e. event-triggered configuration (col. 5, line 38 – col. 6, line 53).

9. As to claim 11, Malik et al. teach method further comprising:
configuring a set of customer-specified configuration parameters (col. 7, line 58-
col. 8, line 21); and
executing the second set of distributed discovery processes in accordance with
the set of customer-specified configuration parameters (col. 8, line 61 – col. 9, line 35).

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10. As to claim 12, Malik et al. teach method further comprising:

modifying the set of customer-specified configuration parameters (col. 7, line 58 – col. 8, line 21); and

in response to modifying the set of customer-specified configuration parameters, modifying the second set of configuration parameters (col. 8, line 61 – col. 9, line 35; items 32, 34; fig. 1; fig. 5).

11. As to claim 13, Malik et al. teach method further comprising:

generating the second set of configuration parameters for use in initializing networks of a first management customer (col. 8, line 61 – col. 9, line 35); and

copying the second set of configuration parameters for use in initializing networks of a second management customer (items 85, 86; fig. 5).

12. Claims 14-20 are apparatus claims of method claims 7-13. Malik et al. teach method as set forth in claims 7-13. Therefore, Malik et al. also teach apparatus as set forth in claims 14-20.


13. Claims 21-23 are computer program product of method claims 7-9. Malik et al. teach method as set forth in claims 7-9. Therefore, Malik et al. also teach computer program product as set forth in claims 21-23.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Mohammad O. Farooq
February 13, 2005